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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,704	07/09/2003	Chuck Glasser	32329.00071	1575

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EXAMINER
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TWEEL JR, JOHN ALEXANDER

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/616,704

**Applicant(s)**

GLASSER ET AL.

**Examiner**

John A. Tweel, Jr.

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/19/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because complete descriptive sentences such as those found in Figures 1 and 5 are not needed in the drawing package and are best left in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4-8, 10, 11, 13, 15, and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hardman** [U.S. 6,844,813].

For claim 1, the polling system for vending machines taught by **Hardman** includes the following claimed subject matter, as noted, 1) the claimed vending machine is met by the vending machine (No. 10) comprising 2) a claimed electronic control unit met by the monitoring points (No. 26) and activity monitoring and reporting system (No. 30) which tracks information pertinent to the vending machine, and 3) the claimed wireless transceiver is met by the communication unit (No. 32) and vendor interface unit (No. 34) in communication with the reporting system and operative to send the pertinent information wirelessly to an interrogation unit (No. 40) when requested by the interrogation unit.

For claim 2, the claimed interrogation unit is met by the mobile terminal (No. 40) that in one embodiment initiates contact through a user command with the vending machine (Col. 5, Lns. 5-10).

For claim 4, the mobile terminal of **Hardman** may be a cellular phone, PDA, or pager, all of which are handheld.

For claims 5-8, the information tracked by the **Hardman** reference include out-of-stock, jam, and unauthorized entry conditions, as well as receipt of cash or other payment, dispensing of change, selection of goods, and fault conditions (Col. 3, Lns. 13-20).

For claim 10, the vending machine system of **Hardman** includes one embodiment that collects data from a plurality of vending machines (Col. 5, Ln. 62 - Col. 6, Ln. 44). The claimed consolidation unit is met by the mobile unit (No. 40) configured to receive wirelessly transmitted status information from at least two vending machines (No. 10) and have an interface with an established communications network, in this case a cellular network.

For claim 11, in one embodiment of the **Hardman** reference, the mobile terminal (No. 40) may be connected to a landline rather than wirelessly (Col. 5, Lns. 41-45).

For claim 13, the vending machines and mobile unit of **Hardman** form a "cluster" and one embodiment may include a plurality of mobile units (Nos. 40 and 52) in communication with a central data collection center (No. 48).

For claim 15, the communications network of **Hardman** is a cellular network.

For claim 19, the method of polling a vending machine having a wireless transceiver taught by **Hardman** includes the following claimed steps, as noted, 1) the claimed sending a first wireless signal is achieved using the short range communication circuit (No. 42) of the mobile unit (No. 40) soliciting a status response from the vending machine (Col. 5, Lns. 5-6), and 2) the claimed receiving a second signal is achieved

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using the same circuit which receives information pertaining to the status of said vending machine.

For claim 20, one possibility of short-range communications is radio frequency (Col. 3, Ln. 66).

For claim 21, one possibility of short-range communications is infrared (Col. 3, Ln. 66).

For claims 22-25, the information tracked by the **Hardman** reference include out-of-stock, jam, and unauthorized entry conditions, as well as receipt of cash or other payment, dispensing of change, selection of goods, and fault conditions (Col. 3, Lns. 13-20).

4. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by **Leason et al** [U.S. 6,575,363].

For claim 17, the vending network of **Leason** includes a plurality of vending machines (Nos. 110, 120) operative to transmit vending machine information to and from other nearby vending machines forming a wireless relay network (No. 140).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 9, 12, and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over **Hardman**.

For claim 3, the **Hardman** reference does not mention the mobile unit mounted on a vehicle; however, PDAs, cell phones, and laptops have been mounted in vehicles for many years for several different purposes. The inclusion of a unit in a vehicle is not considered a patentable innovation, as this is an obvious variation on the already crowded prior art and would not produce a new, unexpected result.

For claim 9, the **Hardman** reference mentions communications using RF signals; however, the read range limit is not recited at about 300-500 feet. The reference does mention ranges between 10 and 100 meters (Col. 3, Lns. 63-65). This is well within the claimed range and is considered an obvious variation thereof.

For claim 12, the **Hardman** reference mentions communications using RF signals; however, the read range limit is not recited at about 200-500 feet. The reference does mention ranges between 10 and 100 meters (Col. 3, Lns. 63-65). This is well within the claimed range and is considered an obvious variation thereof.

For claim 14, the long-range wireless communication signal of **Hardman** may be "any number of conventional long range wireless communication signals". RF signals have been used for long-range communication and are considered an obvious variation of the prior art.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hardman** in view of **Knight et al** [U.S. 6,377,589].

For claim 16, the system of **Hardman** includes the claimed subject matter as noted in the rejection of claim 10 above. However, there is no mention of a packet-switched network.

The communications system taught by **Knight** includes a packet switching network (No. 229) in its telecommunications link between a remote terminal and a control station. One embodiment of the invention pertains to remote monitoring of the status of an automatic vending machine. This reference is plain evidence that packet switching has been used in vending machine communication networks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a packet switching network in the system of Hardman for the purpose of utilizing a proven communication method used for past vending machine networks.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Leason et al** in view of **Hardman**.

For claim 18, the network of **Leason** includes the claimed subject matter as discussed in the rejection of claim 17 above. However, there is no mention of a consolidation unit positioned within range of the network of vending machines.

The cooperative vending machine data reporting taught by **Hardman** includes a mobile unit (No. 40) that receives vending machine information and having a cellular interface with an established communications network. This system adds a method of insuring that the money received and goods dispensed from vending machines is



accounted for and correct. This would minimize unnecessary costs in stocking and maintenance.

As both references pertain to vending machine networks, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a mobile unit in the system of Leason for the purpose of minimizing maintenance and other costs in the system.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Morris et al** [U.S. 6,339,731] presents a method of auditing data from a vending machine.

**Petite** [U.S. 6,430,268] is directed to an automated system for requesting service of a vending machine.

**Howell et al** [U.S. 6,462,644] builds a database of vending-related information.

**Kolls** [U.S. 6,505,095] includes vending equipment audit capabilities.

**Preston et al** [U.S. 6,754,558] provides information to a central processing system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT  
2/28/05



JOHN TWEEL  
PRIMARY EXAMINER